

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 3. The Mental Health and Developmental
5 Disabilities Code is amended by changing Section 1-122 as
6 follows:

7 (405 ILCS 5/1-122) (from Ch. 91 1/2, par. 1-122)

8 Sec. 1-122. Qualified examiner. "Qualified examiner" means
9 a person who is:

10 (a) a Clinical social worker as defined in this Act,

11 (b) a registered nurse with a master's degree in
12 psychiatric nursing who has 3 years of clinical training and
13 experience in the evaluation and treatment of mental illness
14 which has been acquired subsequent to any training and
15 experience which constituted a part of the degree program, ~~or~~

16 (c) a licensed clinical professional counselor with a
17 master's or doctoral degree in counseling or psychology or a
18 similar master's or doctorate program from a regionally
19 accredited institution who has at least 3 years of supervised
20 postmaster's clinical professional counseling experience that
21 includes the provision of mental health services for the
22 evaluation, treatment, and prevention of mental and emotional
23 disorders, or

1 (d) a licensed marriage and family therapist with a
2 master's or doctoral degree in marriage and family therapy from
3 a regionally accredited educational institution or a similar
4 master's program or from a program accredited by either the
5 Commission on Accreditation for Marriage and Family Therapy or
6 the Commission on Accreditation for Counseling Related
7 Educational Programs, who has at least 3 years of supervised
8 post-master's experience as a marriage and family therapist
9 that includes the provision of mental health services for the
10 evaluation, treatment, and prevention of mental and emotional
11 disorders.

12 A social worker who is a qualified examiner shall be a
13 licensed clinical social worker under the Clinical Social Work
14 and Social Work Practice Act.

15 (Source: P.A. 91-536, eff. 1-1-00.)

16 Section 5. The Smoke Free Illinois Act is amended by
17 changing Section 35 as follows:

18 (410 ILCS 82/35)

19 Sec. 35. Exemptions. Notwithstanding any other provision
20 of this Act, smoking is allowed in the following areas:

21 (1) Private residences or dwelling places, except when
22 used as a child care, adult day care, or healthcare
23 facility or any other home-based business open to the
24 public.

1 (2) Retail tobacco stores as defined in Section 10 of
2 this Act in operation prior to the effective date of this
3 amendatory Act of the 95th General Assembly. The retail
4 tobacco store shall annually file with the Department by
5 January 31st an affidavit stating the percentage of its
6 gross income during the prior calendar year that was
7 derived from the sale of loose tobacco, plants, or herbs
8 and cigars, cigarettes, pipes, or other smoking devices for
9 smoking tobacco and related smoking accessories. Any
10 retail tobacco store that begins operation after the
11 effective date of this amendatory Act may only qualify for
12 an exemption if located in a freestanding structure
13 occupied solely by the business and smoke from the business
14 does not migrate into an enclosed area where smoking is
15 prohibited.

16 (3) (Blank). ~~Private and semi private rooms in nursing~~
17 ~~homes and long term care facilities that are occupied by~~
18 ~~one or more persons, all of whom are smokers and have~~
19 ~~requested in writing to be placed or to remain in a room~~
20 ~~where smoking is permitted and the smoke shall not~~
21 ~~infiltrate other areas of the nursing home.~~

22 (4) Hotel and motel sleeping rooms that are rented to
23 guests and are designated as smoking rooms, provided that
24 all smoking rooms on the same floor must be contiguous and
25 smoke from these rooms must not infiltrate into nonsmoking
26 rooms or other areas where smoking is prohibited. Not more

1 than 25% of the rooms rented to guests in a hotel or motel
2 may be designated as rooms where smoking is allowed. The
3 status of rooms as smoking or nonsmoking may not be
4 changed, except to permanently add additional nonsmoking
5 rooms.

6 (5) Enclosed laboratories that are excluded from the
7 definition of "place of employment" in Section 10 of this
8 Act. Rulemaking authority to implement this amendatory Act
9 of the 95th General Assembly, if any, is conditioned on the
10 rules being adopted in accordance with all provisions of
11 the Illinois Administrative Procedure Act and all rules and
12 procedures of the Joint Committee on Administrative Rules;
13 any purported rule not so adopted, for whatever reason, is
14 unauthorized.

15 (6) Common smoking rooms in long-term care facilities
16 operated under the authority of the Illinois Department of
17 Veterans' Affairs or licensed under the Nursing Home Care
18 Act that are accessible only to residents who are smokers
19 and have requested in writing to have access to the common
20 smoking room where smoking is permitted and the smoke shall
21 not infiltrate other areas of the long-term care facility.
22 Rulemaking authority to implement this amendatory Act of
23 the 95th General Assembly, if any, is conditioned on the
24 rules being adopted in accordance with all provisions of
25 the Illinois Administrative Procedure Act and all rules and
26 procedures of the Joint Committee on Administrative Rules;

1 any purported rule not so adopted, for whatever reason, is
2 unauthorized.

3 (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09.)